

Members

Rep. Greg Porter, Chairperson
Rep. Terry Goodin
Rep. Phil Pflum
Rep. Phyllis Pond
Rep. Jeff Thompson
Rep. Sue Scholer
Sen. Luke Kenley, Vice-Chairman
Sen. Ron Alting
Sen. Teresa Lubbers
Sen. Frank Mrvan
Sen. Earline Rogers
Sen. Connie Sipes



INTERIM STUDY COMMITTEE ON EDUCATIONAL ACHIEVEMENT ISSUES

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MEETING MINUTES¹

Meeting Date: August 26, 2003
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington
St., 404
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Rep. Greg Porter, Chairperson; Rep. Terry Goodin; Rep. Phil Pflum; Rep. Phyllis Pond; Rep. Jeff Thompson; Sen. Luke Kenley, Vice-Chairman; Sen. Ron Alting; Sen. Teresa Lubbers; Sen. Frank Mrvan; Sen. Earline Rogers; Sen. Connie Sipes.

Members Absent: Rep. Sue Scholer.

Call to Order

Chairman Greg Porter called the meeting to order at 10:15 A.M. He stated this meeting will be a continuation of the last meeting, specifically covering (1) administrative rules for preschools (SCR 4), (2) students excluded from school without being expelled (SB 366), and (3) juvenile court jurisdiction for school suspension (SB 36). Chairman Porter then asked the committee to introduce themselves and state what areas they represent.

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Discussion on administrative rules for preschools (SCR 4)

Chairman Porter asked for a representative of Family and Social Services Administration (FSSA) to address the issue of administrative rules for preschools. The Chairman recognized Keith Carter, Bureau of Child Development, FSSA, to speak on licensing childcare centers. Mr. Carter distributed a handout from the Indiana Code that allows exemptions for licensing. (Available from the Legislative Information Center as Attachment A). He stated that #3 on the handout is a license exemption for preschools and that it would require \$321,350 to staff and license 500 preschools. He added that 29 other states license preschools.

Senator Frank Mrvan expressed further concerns about this issue.

Discussion on Senate Bill 36 (SB 36) and Senate Bill 366 (SB 366)

Chairman Porter began discussion on SB 36 by stating that the discussion today is not an attack on home schooling but will address concerns about children who are not in school and options for those individuals.

Chairman Porter asked Senator Luke Kenley to make remarks on the intent of SB 36. Senator Kenley stated that SB 36 is a bill that would allow school corporations to reach an agreement with the courts for expelled students on a voluntary basis. He stated that there are counties with such programs that have been successful. He also commented that the Department of Education (DOE) distributed to him this morning a memorandum listing the DOE's objections to SB 36. Senator Kenley offered to meet with the DOE to discuss their concerns.

Senator Mrvan requested copies of the DOE's objections and copies were made and handed out to the committee members. (Available from the Legislative Information Center as Attachment B).

Chairman Porter recognized Dr. Vicki Markavitch, Penn-Harris-Madison School Corporation, to testify on the issues of truancy and expulsion. Markavitch distributed a handout describing the Penn-Harris-Madison School Corporation 1998-2003 expulsion and truancy prevention effort. (Available from the Legislative Information Center as Attachment C). She stated the handout includes data which illustrates how effective the program has been in recent years. She stated that the school corporation conducted a Middle School Truancy Program, a High School Alternative Program, and a Probation Officer Program. She commented that the year they had the most success was the year the school had a probation officer. She also stated that the Probation Officer Program had to be cut due to funding issues. She introduced Judge Peter Nemeth, St. Joseph Probate Court.

Judge Nemeth stated that he has had a long standing relationship with the school corporation and supports their efforts. He stated that truancy is a tremendous predictor for further offenses. He also explained the two different programs in St. Joseph County. The first program involves children under the age of 11 who are truant. These children are referred through a Child in Need of Services (CHINS) hearing. The second program involves children over the age of 11. These children are put on probation through a court order and, if the probationary program is not successful, the child is sentenced to detention. Judge Nemeth further stated that at the high school level, the probation officer program, which was funded by the school corporation and involved a probation officer who worked on site at Penn High School, resulted in a dramatic decline in expulsion and truancy. He said that teachers were disappointed to lose the probation officer. He also explained that the program diverted and kept children out of court. Those expelled are

eligible for other alternative programs offered by the school corporation. He commented that these problems stem from parents and that if parents will measure up then children will measure up. Lastly, Judge Nemeth stated that it is cheaper and easier to prevent these problems.

Judge Nemeth and Dr. Markavitch responded to committee discussion on longitudinal programs, strengthening families, dysfunctional families, stiffer penalties for parents of truant children, juvenile probation department, and statutory authority for programs already in effect.

Chairman Porter recognized Dr. Thomas Little, Kokomo Center-Township, who introduced Cynthia Evans and Lynette Boling. A handout was distributed (Available from the Legislative Information Center as Attachment D) on the Kokomo-Center Schools/Howard County juvenile division program.

Cynthia Evans explained the handout and discussed the two programs. The first program is the juvenile drug court program for youth with addiction problems. She also elaborated on the virtual alternative school program which is for at risk students who have a previous history of expulsion or suspension for substance abuse and/or truancy. She stated that these programs are being funded through a grant from the Criminal Justice Institute.

Dr. Thomas Little stated that the programs worked well because of the sharing of information between agencies and the collective effort of all involved for the benefit of at risk children.

Chairman Porter recognized Dr. Ken Bled, LaPorte Community School Corporation, to testify. Dr. Bled stated that they have an extensive group of services preschool through high school to help at risk children in LaPorte County. He distributed a handout that described the services (Available from the Legislative Information Center as Attachment E). Dr. Bled spoke about a special program called Project Extended Day (Project ED) that has had dramatic success in middle school and high school in decreasing the number of expulsions by two-thirds. Dr. Bled introduced Judge Lang to further elaborate on Project ED.

Judge Lang, School Judge and Probate Commissioner, commented on how the courts and schools are working together on Project ED. She stated Project ED is an alternative to out of school suspension for middle and high school students. She stated that the students attend school from 6:00 a.m. to 6:00 p.m. where they are monitored carefully. She said the program included activities in the morning, classes, help with homework, and counseling. She stated that the program has been successful in lowering the suspension and expulsion rates because the students in LaPorte know this program exists and they don't want to be a part of it. She also commented on the truancy program in the elementary school and how CHINS is used as a last resort.

Judge Lang responded to committee discussion by stating she does all court programs and that when a child is to be suspended, she issues a court order for the child to enroll in to Project ED. She also stated that her motivation is to keep children out of court.

Chairman Porter recognized Dr. Ken Hull, Western Boone County, to testify. Dr. Hull works with Circuit Court Judge Steve David on the Out of School Suspension Program in Boone County. He distributed handouts detailing the program (Available from the Legislative Service Center as Attachment F). He stated that when a student has violated a school rule or committed a violation for which the Indiana Code requires a suspension, the student is ordered to appear in front of Judge David the next morning with his parents. He

explained that the judge asks how the parents will provide for the student's education while under suspension, and generally the answer is that it is not possible. In response, the judge assigns the student to the alternative program. Dr. Hull stated that statistics show that the program works.

The Committee discussed schools calling parents when their children are absent, due process requirements, where costs lie in the upkeep of such programs, and length of suspensions.

Chairman Porter recognized Dr. Peggy Hinckley, MSD Warren Township, to testify on the issue. Dr. Hinckley stated that schools have no statutory authority to make parents put students in alternative schools prior to adjudication. She said that there is a need to look at this situation. She introduced Dr. Chris Chalker to address the services provided at MSD, Warren Township.

Dr. Chalker explained the services that the school corporation provides for students which include regular school interventions and the Renaissance School. A handout detailing the programs (Available from the Legislative Service Center as Attachment G) was distributed. He also commented that increased partnerships with probation officers stem the tide of criminal activity, drug distribution, and misbehavior. He also stated they try to establish relationships with families and get them involved.

The Committee discussed the fiscal impact of the programs.

Public Testimony

Chairman Porter recognized Amy Cook-Lurvey to testify. Amy Cook-Lurvey, Statewide Coalition for Hoosiers with Disabilities, recapped the bills introduced last year to address legal problems and discussed her concerns for future legislation.

Chairman Porter recognized Roger Thornton to testify. Roger Thornton, Indiana Association of School Superintendents, thanked the committee and addressed the need to be proactive in resolving behavioral and attendance problems. He stated his support for the committee's efforts.

The committee discussed funding for programs. Chairman Porter suggested diverting funds from the Department of Corrections (DOC) to fund programs.

Chairman Porter thanked the committee and those who testified. He announced the next meeting will be held on September 9th at 10:00 a.m. in Room 404. The topic of the next meeting will be the Education Achievement Gap.

The meeting was adjourned at 12:04 p.m.